

**IN THE UNITED STATES DISTRICT COURT
OF THE NORTHER DISTRICT OF ILLINOIS
EASTERN DIVISION**

NHC LLC,)	
Plaintiff,)	
)	
v.)	Case No. 2019 C 6332
)	
CENTAUR CONSTRUCTION COMPANY, et al.,)	Judge Matthew Kennelly
Defendants.)	
)	

**NHC LLC’S MOTION TO EXTEND CITATION LIENS
REGARDING DEFENDANTS AND CERTAIN THIRD-PARTY RESPONDENTS**

NHC LLC, Plaintiff and Judgment Creditor, through its undersigned counsel, moves this court to extend the Citation Liens with respect to Spiro Tsaparas, Peter Alexopoulos, William N. Alexopoulos, Alexandra Alexopoulos, Cori McFadden, as good cause exists for the continuation of lien of the Citations. In further support of its claims the NHC LLC states as follows:

BACKGROUND

Judgment

1. After a jury trial that concluded on August 18, 2022 and months of post-trial motions, on March 15, 2023, judgment was entered against defendants Centaur Construction Co., Spiros Tsaparas, and Peter Alexopoulos jointly and severally in the total amount of \$22,272,124.34 for fraud and breach of contract plus punitive damages against the Defendants individually. (“Judgment”)
2. Fed. R. Civ. P. 69. (“Rule 69”) incorporates into federal law state post-judgment enforcement procedures. The incorporated state procedures in this district are Section 2-1402 of the Illinois Code of Civil Procedure (735 ILCS 5/2-1402) and Illinois Supreme Court Rule 277, the state statutes and rules governing supplementary procedures.

The Citation Proceedings

14. On May 5, 2023 NHC LLC served citations to discover assets on Spiro Tsaparas and his partner, Cori McFadden (Doc. Nos. 243 and 244 respectfully).

15. On May 19, 2023, NHC LLC served citations to discover assets on Peter Alexopoulos and his wife, Alexandra Alexopoulos (Doc. Nos. 245 and 240 respectfully).

16. On May 11, 2023, NHC LLC served a citation to discover assets on Peter Alexopoulos' father, William Alexopoulos (Doc. No.241).

17. Although requested on several occasions, it was not until July 7, 2023 that Kimberly A. Herring of the firm Amundsen Davis, LLC (attorneys for Defendants) filed an appearance on behalf of William N. Alexopoulos (Doc. No.247), Alexandra Alexopoulos (Doc. No. 248) and Cori McFadden (Doc. No. 249) (collectively "Third-Party Respondents") and thus has submitted to the jurisdiction of this Court.

18. On July 10, 2023 Cori McFadden produce documents consisting of 80 pages of totally redacted bank statements with the exception of 27 transaction entries, 3 pages of the 2022 insurance policy summary, and 7 pages of Venmo transfers to Spiro Tsaparas.

19. On July 10, 2023 Alexandra Alexopoulos and her father-in-law William Alexopoulos produced documents. Alexandra produced much of what Peter Alexopoulos produced. William produced the front of 37 checks payable to Peter for between \$500 and \$1,000.00 and 12 pages of documents related to the sale of Peter and Alexandra's home at 8053 Ozark, Niles.

20. Although requested several times, it was not until August 18, 2023, pursuant to the Citations to Discover Assets, Peter and Spiro produced certain documents. Spiro's documents consisted of 722 pages of various bank statements for Spiro, one other entity and Centaur plus 30

pages of an employment arrangement, and 3 pages of a Centaur employee promissory note. Peter's documents consisted of 536 pages of various bank statements for Peter and Alexandra and one other entity, 86 pages of documents related to the sale of their home at 8053 Ozark, Niles and their investment property at 95 Otis Road and 3 pages of a Centaur employee promissory note.

21. NHC LLC has communicated with counsel for the Defendants and the Third-party Respondents on several occasions (at least on: 5/26, 5/30, 6/19, 6/27, 7/5, 7/10, 8/17, 8/18, 10/9, 10/17, 10/19, 10/24, 10/27, 10/29) regarding and requesting that the Citation Respondents produce missing documents in connection with the Citations but as of the date of filing, such missing documents have not been forth coming and as such no citation examination of Spiro Tsaparas, Peter Alexopoulos, or of the Third-Party Respondents has commenced.

22. On October 9, 2023 NHC LLC requested that Cori McFadden sit for her citation examination offering four (4) separate dates with times at her choosing. No response was received until the first date offered and then her counsel agreeing only if it could be taken in Pitkin County or via Zoom. NHC LLC agreed to Zoom but as of the date of filing, Cori McFadden has not agreed to a date and time for her citation examination.

23. On October 25, 2023 and again on October 29, 2023 Plaintiff's counsel sent a letter to counsel for the Defendants and Third-Party Respondents regarding the twenty-four (24) categories of missing documents.

24. On or about October 25-27, 2023 Spiro Tsaparas and Peter Alexopoulos provided incomplete financial affidavits indicating among other things, sources of income and transfers of assets. Although stating on several occasions that the financial affidavits would provide details on the missing documents, they actually only answer a few questions and raise other questions on missing documents and unfilled blanks on the forms. Plaintiff's counsel has not had sufficient time

to itemize for Defendants' counsel the new questions and the incomplete information but will do so promptly if needed.

25. On October 27, 2023 NHC LLC filed its Petition for Relief Against William N. Alexopoulos individually and as Trustee seeking the avoidance of the transfer of real estate and funds fraudulently transferred from Peter Alexopoulos to William N. Alexopoulos individually and the Trust and the continuation of the imposition of the judgment lien recorded on the real estate.

26. On October 16, 2023 NHC LLC's Response to Defendants' Motion to Stay (Doc. No. 275) requested the lien of the Citation with respect to Centaur Construction Company, Inc. Spiro Tsaparas, and Peter Alexopoulos and the third-party respondents remain in full force and effect through December 31, 2023. At the hearing on Defendants' Motion to Stay the court advised NHC LLC's counsel to raise orally its request for the citation liens to remain in full force and effect at the status set for October 30, 2023.

27. At the status hearing on October 30, 2023 counsel for Defendants and Third-Party Respondents raised for the first time their objection to extend the citation liens.

EXTENSION OF CITATION LIENS

28. Under citation proceedings authorized by section 2-1402, the lien of the citation "continues until terminated by motion of the judgment creditor, order of the court, or satisfaction of the judgment, but terminates automatically 6 months from the date of (1) the respondent's first personal appearance pursuant to the citation or (2) the respondent's first personal appearance pursuant to subsequent process issued to enforce the citation, whichever is sooner. The court may, however, grant extensions beyond the 6 months, as justice may require." Ill. Sup. Ct. R. 277(f). Continuation of the citation proceeding is also a continuation of the citation lien. When the citation proceeding is

terminated, the citation lien terminates. See, 735 ILCS 5/2-1402(m) (“The lien is effective for the period specified by Supreme Court Rule.”).

29. In an abundance of caution, NHC LLC is requesting in writing again that the lien of the citations on the Defendants and the Third-Party Respondents be extended for an additional six-month. NHC LLC believes that deadline is not from service of the citations in May, 2023, but rather from the date that Defendants and Third-Party Respondents (personally appear and) sit for their Citation examination which has not occurred due to the failure to provide the missing documents and insufficient responses to the financial affidavits.

30. The Seventh Circuit has stated that a party who delays citation proceedings is estopped from pleading the six-month deadline. See, *Resolution Tr. Corp. v. Ruggiero*, 994 F.2d 1221, 1228 (7th Cir. 1993) and *U.S. v. Rogan*, 2008 WL 4853478, *2 (N.D. Ill. Nov. 3, 2008) (“even if Judith's appearance through counsel and production of documents started the six-month period, Judith's delays in the proceedings estop her from seeking relief under the six-month rule”) (citation omitted).

31. Plaintiff intends to file an appropriate motion to compel production of documents as suggested by the Court. Plaintiff remains open to working with counsel for Defendants and Third-Party Respondents for an orderly production of documents, citation examinations and agreed orders on exemptions, turnover orders and wage deduction orders.

32. As directed by the Court, NCH LLC shall submit a draft proposed order in Word to the Court's email address.

Wherefore, the Plaintiff/Judgment Creditor NHC LLC requests this court to:

- a) Enter an order extending the lien of the citation for an additional six (6) months to and including dates in March and April, 2024 subject to being shortened or lengthened pending further order of court; and
- b) Grant any other relief the circumstances may require.

Respectfully submitted,

NHC LLC, Plaintiff

By: /s/ Gini S. Marziani.
One of the attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that, on October 30, 2023, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using the Court's CM/ECF system and thereby served electronically by the CM/ECF system on all counsel of record.

/s/ Gini S. Marziani
An Attorney for NHC LLC